

HEIDL RIEDEL ET AL.  
USSN 10/016,964  
REPLY TO OFFICE ACTION DATED MARCH 20, 2003  
AMENDMENT DATED September 22, 2003

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Amendments to the Claims:

SEP 23 2003

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

A 1 1. (Currently Amended) A self-foaming and/or foam-like cosmetic or dermatological preparation which comprises

I. 2 to 20% by weight of the preparation of an emulsifier system which consists of

A. at least one emulsifier A chosen from the group of wholly neutralized, partially neutralized or unneutralized branched and/or unbranched, saturated and/or unsaturated fatty acids having a chain length of from 10 to 40 carbon atoms,

B. at least one emulsifier B chosen from the group of polyethoxylated fatty acid esters having a chain length of from 10 to 40 carbon atoms and a degree of ethoxylation of from 5 to 100 and

C. at least one coemulsifier C chosen from the group of saturated and/or unsaturated, branched and/or unbranched fatty alcohols having a chain length of from 10 to 40 carbon atoms,

and

IV. 1 to 90% by volume, based on the total volume of the preparation, of at least one gas chosen from the group consisting of air, oxygen, nitrogen, helium, argon, nitrous oxide (N<sub>2</sub>O) and carbon dioxide (CO<sub>2</sub>).

2. (Original) The preparation as claimed in claim 1, which comprises, based on the total weight of the preparation, up to 30% by weight of a lipid phase which comprises one or more nonpolar lipids having a polarity of at least 30 mN/m.

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3. (Original) The preparation as claimed in claim 2, wherein the lipid phase comprises up to 40% by weight, based on the total weight of the lipid phase, of polar lipids having a polarity of at most 30 mN/m.
4. (Original) The preparation as claimed in claim 1, wherein the weight ratios of emulsifier A to emulsifier B to coemulsifier C (A : B : C) is chosen as a : b : c, where a, b and c, independently of one another, are rational numbers from 1 to 5.
5. (Currently Amended) The preparation as claimed in claim 4, wherein the weight ratios of emulsifier A to emulsifier B to coemulsifier C (A:B:C) is chosen as a:b:c where a, b and c, independently of one another, are rational numbers from 1 to 3.
6. (Original) The preparation as claimed in claim 5, wherein the weight ratio of emulsifier A to emulsifier B to coemulsifier C (A : B : C) is 1 : 1 : 1.
7. (Canceled).
8. (Original) The preparation as claimed in claim 1, which comprises further emulsifiers chosen from the group of hydrophilic emulsifiers.
9. (Original) The preparation as claimed in claim 8, wherein the hydrophilic emulsifiers are selected from the group consisting of mono-, di- and tri-fatty acid esters of sorbitol.

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10. (Original) The preparation as claimed in claim 8, wherein the total amount of the further emulsifiers is chosen to be less than 5% by weight, based on the total weight of the formulation.

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11. (Original) The preparation as claimed in claim 1, wherein the proportion by volume of the gas(es) is chosen from 10 to 80% by volume, based on the total volume of the preparation.

12. (Original) The preparation as claimed in claim 1, wherein the gas chosen is carbon dioxide.

13. (Original) The preparation as claimed in claim 1, which comprises one or more substances chosen from the group of moisturizers.

14. (Original) A method of preparing a self-foaming and/or foam-like cosmetic or dermatological preparations which comprises a gaseous active ingredient, said method comprising incorporating into said preparation as a cosmetic or dermatological base an emulsifier system which consists of :

A. at least one emulsifier A chosen from the group of wholly neutralized, partially neutralized or unneutralized branched and/or unbranched, saturated and/or unsaturated fatty acids having a chain length of from 10 to 40 carbon atoms,

B. at least one emulsifier B chosen from the group of polyethoxylated fatty acid esters having a chain length of from 10 to 40 carbon atoms and a degree of ethoxylation of from 5 to 100 and

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- C. at least one coemulsifier C chosen from the group of saturated and/or unsaturated, branched and/or unbranched fatty alcohols having a chain length of from 10 to 40 carbon atoms.
- 15. (Original) A method of caring for skin, said method comprising topically applying to skin an effective amount therefor of a preparation according to claim 1.